

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24131 of 2006

Dated:20.11.2006

Between:

Kalala Yadamma and another.

...Petitioner

and

Mandal Revenue Officer and others.

...Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24131 of 2006

ORDER:

This Writ Petition is filed assailing the orders/Occupancy Rights Certificate (ORC) vide No.B/6074/1994 (LRW/82/1975), dated 01.02.1995, issued by the second respondent whereunder the father of respondents 4 and 5 was registered as an occupant of agricultural land in Survey Nos.62, 63 and 64 which originally belong to the landholder, B.V.Prakash Reddy. It is the case of the petitioners that there were three protected tenants including Bandigari Sathaiah. Therefore, giving ORC to the father of respondents 4 and 5 alone is arbitrary and contrary to the scheme and spirit of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Act'). It is also the grievance of the petitioners that they approached the second respondent and filed an application four years ago and the same remained undisposed of.

The land is now part of the prime locality in the twin cities of Hyderabad and Secunderabad. Of late, this Court has come across number of Writ Petitions where the orders passed more than a decade ago are brought before this Court for scrutiny on the ground, which is similar to the ground raised herein. The reason is the vast escalating cost of the land and everybody who slept over their rights come before this Court either seeking invalidation of the orders passed under the Act

or the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, or the relevant revenue regulations. The Court should approach these cases very cautiously.

Against ORC issued by the Tenancy Tribunal-cum-Revenue Divisional Officer under Section 38-E of the Act, an aggrieved person including the co-protected tenant, occupant or the landholder has to file an appeal under Section 90 read with Section 93 of the Act within sixty days before the Joint Collector. Even if the appeal is dismissed or rejected by the Joint Collector, such persons are given remedy under Section 91 of the Act to file a revision before this Court. The petitioners allege that they have been in possession of the land for the last forty years, but still feign ignorance about the orders passed by the second respondent in favour of the predecessor of respondents 4 and 5 or the events that followed such ORC. It is only to be rejected as preposterous contention. Secondly, in a Writ Petition an ORC cannot be challenged, especially, when the relevant statute provides for the remedies like appeal and revision. It is for the petitioners to pursue their remedies, if so advised – of course subject to law of limitation; before appropriate authorities or approach the civil Court. This Writ Petition filed against ORC passed about eleven years ago is misconceived.

The Writ Petition is therefore, dismissed. No costs.

(V.V.S.RAO, J)

20.11.2006

vs